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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,681	10/22/2003	Curtis A. Weeks	1121	6139

7590 04/20/2007  
Donald J. Ersler  
725 Garvens Avenue  
Brookfield, WI 53005

EXAMINER
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HARPER, V PAUL

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,681	<b>Applicant(s)</b> WEEKS, CURTIS A.	
	<b>Examiner</b> V. Paul Harper	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-9,12-14,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4,5,10,11,15, and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The Examiner has considered the references listed in the Information Disclosure Statement dated 11/05/2003. A copy of the Information Disclosure Statement is attached to this office action.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, 13, 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt et al. (US Patent 5,960,447), hereinafter referred to as Holt.

Regarding **claim 1**, Holt discloses a word tagging and editing system for speech recognition. Holt includes the following:

- providing said speech recognition engine, said speech recognition engine providing raw text in response to speech dictation (abstract; Fig. 3, speech recognition engine, items 50, 52, etc);

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- transforming said raw text into a mapped text file and into a module mapped text file (Fig. 3, item 62, tagger editor, col. 3, lines 56-67, with inherent storage and linkage to the external application);
- providing a module window for displaying said module mapped text file in real time (abstract, "in real time whilst editing text in word processor");
- editing said module mapped text file in said module window (Fig. 3, item 56 and 70, word processor with display); and
- synchronizing changes made in said module mapped text file to said mapped text file (col. 4, tag information includes time code which corresponds to time in audio file [note: tags are included in both the tag editor and word processor, i.e., they are synchronized; col. 5, lines 10-20, tags point back to original data source]).

Regarding **claim 2**, Holt teaches everything claimed, as applied above (see claim 1). In addition, Holt teaches "the step of: processing said mapped text file with context adaptation" (col. 4, lines 32-35, updating user profile; col. 9, lines 55-60, proofreading is updated after a word is corrected).

Regarding **claim 3**, Holt teaches everything claimed, as applied above (see claim 1). In addition, Holt teaches "the step of: accessing a graphic file to provide a graphic representation of a command in said raw text" (col. 7, lines 13-23, col. 8, lines 1-10, hidden text can be displayed; col. 13, lines 49-53, supports a command mode).

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Regarding **claim 8**, this claim has limitations similar to claims 1 and 2 and is rejected for the same reasons.

Regarding **claim 9**, this claim has limitations similar to claim 3 and is rejected for the same reasons.

Regarding **claim 14**, this claim has limitations similar to claims 1, 2 and 3 and is rejected for the same reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 13 and 18 rejected under 35 U.S.C. 102(b) as anticipated by Holt or, in the alternative, under 35 U.S.C. 103(a) as obvious over well known prior art (MPEP 2144.03).

Regarding **claim 7**, Holt teaches everything claimed, as applied above (see claim 1). In addition, Holt teaches "the step of: hiding an editing window of said speech recognition engine" (Fig. 3, item 67; col. 8, line 53 through col. 9).

To further support this rejection (in the alternative under 35 U.S.C. 103(a) as obvious over Holt in view of well known prior art), it is noted that the use of a closable window [as almost all windows are] to monitor the results of a speech recognizer is well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Holt as described above, because the direct monitoring of the raw speech recognition results allows for a quick evaluation of the operation of the speech recognizer and the performance of real time adjustments as needed.

Regarding **claim 13**, this claim has limitations similar to claim 7 and is rejected for the same reasons.

Regarding **claim 18**, this claim has limitations similar to claim 7 and is rejected for the same reasons.

4. Claims 6, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt in view of Hoi (US Patent Application Publication 2003/0097253), hereinafter referred to as Hoi.

Regarding **claim 6**, Holt teaches everything claimed, as applied above (see claim 1). In addition, Holt teaches that a sound bit may be replayed that corresponds to a

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particular word in real time whilst editing text in a word processor (abstract, synchronized playback). But Holt does not specifically teach "the step of: **mapping characters highlighted in said mapped text file** with synchronized playback to said module mapped text file." However, the examiner contends that this concept was well known in the art, as taught by Hoi.

In the same field of endeavor, Hoi discloses a device to edit text in predefined windows. Hoi's teachings also include the acoustic reproduction and synchronous visual marking of associated recognized text during editing (§'s 56 and 57).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Holt by specifically providing the features, as taught by Hoi, because it is well known in the art at the time of invention for the purpose of allowing the corrector to focus on the content of the recognized text to be corrected (Hoi, ¶50).

Regarding **claim 12**, this claim has limitations similar to claim 6 and is rejected for the same reasons.

Regarding **claim 17**, this claim has limitations similar to claim 6 and is rejected for the same reasons.

***Allowable Subject Matter***

5. Claims 4, 5, 10, 11, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Regarding claim 4, 10 and 16, it is noted that the closest prior art of record, Holt et al. (US Patent 5,960,447) teaches a word tagging and editing system for speech recognition, but Holt et al. do not teach creating a character mapping chart having a module column and a transform column, storing said module mapping text file in said module column and storing said mapping text file in said transform column.

***Citation of Pertinent Art***

7. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Hanson (US Patent 6,064,965) discloses a combined audio playback in speech recognition proofreader.
- Lucas et al. (US Patent 6,834,264) discloses a method and apparatus for voice dictation and document production.



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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is (571) 272-7605. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/16/07

VPH

**V. PAUL HARPER  
PRIMARY PATENT EXAMINER**

